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FILED
DISTRICT COURT OF GUAM
JUL 03 2002
MARY L. M. MORAN
CLERK OF COURT

18

7 Attorney's for United States of America

8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE DISTRICT OF GUAM

10 UNITED STATES OF AMERICA, } CIVIL CASE NO. 02-00005

11 Plaintiff, }

12 vs. }

13 BRIAN S. LEON GUERRERO, }

14 Defendant, }

15 _____ }

16 NIPPON RENT-A-CAR, }

17 Garnishee. }

18 _____ }
**FINAL ORDER IN
CONTINUING GARNISHMENT**

19 **FINAL ORDER IN CONTINUING GARNISHMENT**

20 This matter is before the Court for consideration of the entry of a final order in continuing
21 garnishment pursuant to Section 3205 of the Federal Debt Collection Procedures Act of 1990,
22 28 U.S.C. § 3205, against the non-exempt earnings of the judgment defendant, BRIAN S.
23 LEON GUERRERO.

24 An Application of Writ of Continuing Garnishment directed to Garnishee has been duly
25 issued and served upon the Garnishee. Pursuant to the Writ of Continuing Garnishment, the
26 Garnishee filed an Answer stating that at the time of the service of the Writ he had in his
27 possession or under his control personal property belonging to and due defendant, in the form of
28 earnings.

1 The defendant was served with a copy of the Writ of Continuing Garnishment and
2 notified of his right to a hearing. The defendant has not requested a hearing to determine exempt
3 property.

4 Whereupon the Court, having considered the Application for a Writ of Continuing
5 Garnishment against the earnings of the Defendant, the Answer of the Garnishee, and noting that
6 the defendant, BRIAN S. LEON GUERRERO, has not exercised his right to request a hearing
7 now finds that the entry of a final order of continuing garnishment is in all respects proper.

IT IS THEREFORE ORDERED Garnishee shall pay to plaintiff the lesser of a) 25% for any workweek, pursuant to 15 U.S.C. § 1673(a), of defendant's disposable earnings or b) the amount by which defendant's disposable earnings exceed 30 times the federal minimum hourly wage. "Disposable earnings" are those earnings remaining after deductions of any amount required by law to be withheld, such as social security and withholding taxes. These payments shall be made at the same time the employee is paid and shall continue until the debt to the plaintiff is paid in full or the Garnishee no longer has custody, possession or control of any property belonging to the debtor or until further Order of this Court. Payments shall be made payable to the "**U.S. Department of Justice**" and sent to the U.S. Attorney's Office, Sirena Plaza, Suite 500, 108 Hernan Cortez Avenue, Hagåtña, Guam 96910-5059.

IT IS FURTHER ORDERED that any amounts which the Garnishee and/or Clerk of U.S. District Court of Guam may be holding pursuant to the Writ of Continuing Garnishment shall immediately be turned over to the U.S. Attorney's Office at the above address.

21 DATED this 2nd day of July, 2002.

HON. FRANCES M. TYDINGCO-GATEWOOD
Designated Judge

Designated Judge

JOHN S. UNPINGCO
Chief Judge
U.S. District Court of Guam

